

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	1:07cr171-WKW
)	
LORENZO FLUELLEN MARTIN)	

UNOPPOSED MOTION TO CONTINUE TRIAL

NOW COMES the Defendant, **LORENZO FLUELLEN MARTIN**, by and through undersigned counsel, Kevin L. Butler, and pursuant to 18 U.S.C. §§ 3616(h)(3)(A)(B), (h)(8)(B)(i), (h)(8)(B)(ii), and (h)(8)(B)(iv), respectfully moves this Court to continue the trial of this matter currently set for November 5, 2007 to the next trial term of February 4, 2008. In support of this Motion, the defendant would show the following:

1. Mr. Martin is charged with being a felon in possession of a firearm.
2. The allegations against Mr. Martin are complex in that the alleged possession took place in connection with Mr. Martin alleged attempt to kill his common law wife.
3. Undersigned counsel is trying to locate and interview material witness to the allegations set forth in the indictment.
4. Further, undersigned counsel is expecting his first child this week. After the birth of the child undersigned counsel is scheduled to take two weeks paternity leave.
5. Government counsel does not oppose this motion.
6. Requests for a continuance of trial are addressed to the sound discretion of the trial court. *United States v. Darby*, 744 F.2d 1508, 1521 (11th Cir. 1984), reh. denied 749 F.2d 733, cert. denied 471 U.S. 1100 (1985). Additionally, pursuant to 18 U.S.C. §§ 3616(h)(3)(A)(B),

(h)(8)(B)(i), (h)(8)(B)(ii), and (h)(8)(B)(iv), it is in the interest of justice and within the discretion of the trial court to continue trial of this matter when the complex nature of a case necessitates granting the parties additional time to locate necessary witnesses and prepare for trial.

WHEREFORE, Defendant respectfully requests that this Motion To Continue Trial be granted.

Dated this 17th day of October, 2007.

Respectfully submitted,

s/ Kevin L. Butler
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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Tommie Hardwick, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
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